

purposes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred Senate Resolution No. 17,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 218, A bill to be entitled "An Act to amend H. B. No. 423, Acts of the Forty-fourth Legislature, Regular Session, by providing that Limestone, Robertson and Milam Counties be excepted from the provisions of said bill, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 245, A bill to be entitled "An Act to declare a closed season on the killing of deer and turkey in Throckmorton and Shackelford Counties for a period ending February 1, 1941, prescribing a penalty therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 44 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 19 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

#### SEVENTEENTH DAY.

(Friday, February 5, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

The following Senators were absent and excused:

Collie.	Redditt.
Newton.	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

**Leaves of Absence Granted.**

Senator Redditt was granted leave of absence for today on account of important business, on motion of Senator Burns.

Senator Collie was granted leave of absence for today, on account of illness, on motion of Senator Roberts.

**Senate Bills on First Reading.**

The following Senate bills were introduced, read severally first time, and referred to appropriate committees as indicated:

By Senator Spears:

S. B. No. 199, A bill to be entitled "An Act to amend Chapter 51, Local and Special Laws of the Senate of Texas, passed at the Regular Session of the Thirty-seventh Legislature, as amended by Chapter 36, General Laws passed at the Regular Session of the Forty-third Legislature, pertaining to San Antonio Independent School District, by adding thereto Section 6-2, authorizing the district to borrow money and to pledge its delinquent taxes levied for maintenance and operation expenses as security for such loans, ratifying and confirming such actions heretofore taken by the district and its governing board, and declaring an emergency."

Referred to Committee on Educational Affairs.

By Senator Hill:

S. B. No. 200, A bill to be entitled "An Act providing for the installation of signal units on State highways outside of incorporated cities and towns, regulating the crossing of such highways at places where such units are installed by vehicles and pedestrians, fixing a penalty and declaring an emergency."

Referred to Committee on State Highways and Motor Traffic.

By Senator Hill (by request):

S. B. No. 201, A bill to be entitled "An Act to amend Article 7349, Revised Statutes of 1925, so as to specify delinquency date of taxes, penalties and interest, on lands omitted from rolls and subsequently assessed, and/or erroneously or invalidly assessed and subsequently reassessed by the commissioners' court, and to provide when suit may be brought to enforce the collection of

such taxes and to foreclose tax liens; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Beck:

S. B. No. 202, A bill to be entitled "An Act creating the Special Fifth District Court of Marion County and Cass County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation for same, prescribing its powers and duties; providing for the transfer of certain cases from the Fifth Judicial Court and the Seventy-sixth Judicial Court to said Special Fifth District Court, and from said Special Fifth District Court to the Court of the Fifth Judicial District and to the Court of the Seventy-sixth Judicial District; providing for the district clerks of Cass County and Marion County and their successors in office to be the clerks for the said Special Fifth District Court in their respective counties, providing a seal for said Special Fifth District Court; repealing all laws in conflict; providing that the provisions of this Act are severable, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Senator Lemens:

S. B. No. 203, A bill to be entitled "An Act amending Article 2843, Title No. 49, Chapter 16, Revised Civil Statutes of 1925, authorizing the increase or decrease in the list of subjects for which free textbooks are adopted; providing that the State Board of Education shall adopt textbooks for high-school subjects on a multiple list basis when one hundred or more first-class high schools are affiliated in the subjects; providing that the State Board of Education may adopt free textbooks in a subject when less than one hundred first-class high schools are affiliated in the subject when the state course of study and popular demand justify it; providing that a book or books may be adopted for high schools which combine two or more of the existing high-school subjects, provided no existing high-school subject is omitted by such a combination; providing that the State Board of Education may also, if deemed

necessary, adopt a book or books in music and in science for the elementary grades; and providing further that a book or books may be adopted in the elementary grades which combine two or more of the subjects herein listed and that no subject herein listed is thereby omitted through such a combination; and declaring an emergency."

Referred to Committee on Educational Affairs.

By Senator Lemens:

S. B. No. 204, A bill to be entitled "An Act making an appropriation of the sum of \$611,672.28, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated to pay the apportionment for the period now due and to be due for the balance of the State fiscal year ending August 31, 1937, to all counties in which the county officers are compensated on the basis of a salary, as provided for in Section 6 of Senate Bill No. 5, enacted at the Second Called Session of the Forty-fourth Legislature and declaring an emergency."

Referred to Committee on Finance.

By Senator Cotten:

S. B. No. 205, A bill to be entitled "An Act authorizing and requiring the Board of Regents or the governing body of each State institution of higher learning in the State of Texas to provide a State Book Depository for students enrolled in each institution beginning September, 1937; providing for a textbook fee, a book deposit and authorizing the governing board of each institution to adopt such other rules and regulations not named in this Act, to make this law effective; defining textbook fund, manner of making disbursements, and providing for an audit and report of said fund; providing for transfer of textbooks and other assets to the governing body; allowing students to purchase textbooks from the State Book Depository; granting only the board of regents of such institution the right to change textbooks within a period of three (3) years."

Referred to Committee on Educational Affairs.

By Senator Pace:

S. B. No. 206, A bill to be entitled "An Act to amend Chapter 6 of the

Penal Code of the State of Texas by adding another section to be known as Article 654-a, making it unlawful for any person to operate a lottery known as 'Policy,' of any lottery operating on similar principle; providing that the purchaser of any ticket participating in said lottery shall not be held to be an accomplice or witness in any trial; placing the venue for prosecution of violations in the District Court of Travis County, Texas, and providing that the grand jury of said county may summon and examine witnesses and return indictments into the District Court of Travis County; making it the duty of the Ranger force to make investigations of violations of this Act and submit proof; prescribing penalties; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Oneal:

S. B. No. 207, A bill to be entitled "An Act defining the phrase, 'Served by the sheriff to appear and report for jury service,' as used in Article 2101 of Chapter 7, Title 42, R. S. 1925, so as to authorize the judge drawing the jury to direct that said service may also be made by sending each juror a letter by United States registered mail, notifying him of his jury service; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Oneal:

S. B. No. 208, A bill to be entitled "An Act providing that the sheriff may summons jurors in capital cases in counties having a city with a population of twenty thousand (20,000) or more, according to the last preceding Federal census, either in person, verbally, or by registered United States mail, as the trial judge in his discretion may order; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Shivers:

S. B. No. 209, A bill to be entitled "An Act amending Chapter 194, Acts of the Forty-second Legislature, Regular Session, by adding thereto a section to be known as Article 695b providing that the Board of Control through the Division of Child Welfare shall cooperate with the Federal government in the adminis-

tration of Title 4, of the 'Social Security Act'; providing for assistance to dependent children who are citizens of the United States and who meet certain residential requirements herein prescribed; providing the amount of such assistance; providing that the Board of Control shall make reasonable rules and regulations to insure the care of dependent children as provided in this Act; prescribing the powers and duties of the Board of Control acting through the Division of Child Welfare in carrying out the provisions of this law; defining the term 'dependent child' and certain other terms as used in this Act and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Small:

S. B. No. 210, A bill to be entitled "An Act to amend Article 4648 of the Revised Civil Statutes of Texas of 1925 relating to the granting of injunctions and restraining orders, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senators Cotten and Van Zandt:

S. B. No. 211, A bill to be entitled "An Act to provide for the creation of the office of the Commissioner of Education of the State of Texas, fixing the qualification of the Commissioner of Education, his salary, and his term of office, abolishing the office of State Superintendent of Public Instruction of the State of Texas, transferring all the duties imposed by law upon the State Superintendent of the State of Texas at the time this Act goes into effect to the Commissioner of Education, providing that said Commissioner of Education shall be appointed by a majority vote of the State Board of Education, providing that said Act be effective from and after the second Monday in December, A. D. 1938, and repealing all laws and parts of laws in conflict herewith."

Referred to Committee on Educational Affairs.

#### Senate Resolution No. 22.

Senator Cotten offered the following resolution:

Whereas, At the Third Called Session of the Forty-fourth Legislature

assembled in the City of Austin on September 28, A. D. 1936, passed the following resolution:

"Whereas, The great daily papers of this State and Nation on Sunday, October 25, 1936, told in reams and columns of space about the great conflict now going on in Spain; millions of readers throughout the English speaking world read with bated breath of a famous divorce suit pending in England; loyal Democrats followed the speaking itinerary of our own great President Franklin Delano Roosevelt; six million Texans waited with hope and mingled fear for the report of the conference on the famous Omnibus Bill; and

"Whereas, The Honorable Robert B. Anderson, the able and distinguished Tax Commissioner of this State, is even at this late date completely unaware of these recorded news items for on that same date a baby boy was born whose name is James Richard Anderson:

"'He is so little to be so large! Why, a train of cars, or a whaleback barge couldn't carry the freight of the monstrous weight of all his qualities good and great.'

"Therefore, be it Resolved, That the Senate of Texas, now in session, extend our joyous congratulations to the mother and father of this young son; that the Secretary of the Senate be and is hereby authorized and directed to send an enrolled copy of this resolution to Mr. and Mrs. Anderson; that a copy be printed in the Journal.

"Be it further Resolved, That Master James Richard Anderson be adopted as Junior Mascot of the Third Called Session of the Forty-fourth Legislature," and

Whereas, This resolution was adopted on October 26, with only two days in which he was permitted to function as Junior Mascot of the Third Called Session of said Legislature; and

Whereas, He, as Junior Mascot, rendered such distinguished and outstanding service in that capacity and his services being of such high degree of efficiency that clearly indicated a master mind which will develop into that of a great statesman; and

Whereas, The Senate of the State of Texas knowing and believing that

this young man will within a few intervening years, be an outstanding citizen, statesman, and leader in this State; and

Whereas, The Senate desires continuation of him as Junior Mascot of the Forty-fifth Legislature; therefore, be it

Resolved, That the Senate of the State of Texas, now in session, select and appoint Master James Richard Anderson, Junior Mascot of the Regular Session of the Forty-fifth Legislature; that the Secretary of the Senate be and is hereby authorized and directed to send an enrolled copy of this resolution to Mr. and Mrs. R. B. Anderson; that a copy be printed in the Journal.

Be it further Resolved, That Master James Richard Anderson's picture be placed in the Senate group of the Forty-fifth Legislature of the State of Texas.

COTTEN,  
LEMENS.

On motion of Senator Cotten and by unanimous consent, the resolution was considered at this time.

The resolution was adopted.

#### Senate Resolution No. 23.

Senator Neal offered the following resolution:

Whereas, During the century that has elapsed since the establishment of the Republic of Texas, artists have depicted on canvas and in marble and bronze many of the stirring scenes of the heroic period of Texas history. Almost without exception, they have chosen to commemorate military valor. For some reason—perhaps because of the difficulty of finding necessary data—the first reading of the Declaration of Independence in the gunshop at Washington-on-the-Brazos, March 2, 1836, has been neglected. Not until the Centennial Year was such a picture produced, although for a century artists have been intrigued by its possibilities; and

Whereas, Generally "the men who made Texas free" are little known to the public, with one outstanding exception.

Even after the signing of the Declaration of Independence, almost every one of these men played an active part in the upbuilding of Texas.

Counties have been named for twenty-five signers.

Twenty-six signers served in Congress of the Republic.

Four served as Texas Rangers.

Three were in Supreme Court.

Six served as Chief Justice of counties.

Five served in United States Congress.

Five were members of constitutional conventions and legislatures of other states.

Six were in President Burnet's cabinet.

Six were in convention which framed Constitution of the State of Texas, 1845.

Two had been Governors of other states prior to the Declaration of Independence.

Eight were in the Battle of San Jacinto.

Eighteen were members of Consultation of 1835.

Six were members of Convention of 1833.

Four died the year the Declaration was signed.

Four were in Convention of 1832.

Five occupied positions as sheriffs.

Three were postmasters in Texas.

Two had lived among Indians.

Two were major figures in the Fredonian Rebellion on opposite sides.

One was President of the Constitutional Convention of Mexico in 1824.

Two were members of the Session Convention, 1861, and two in Constitutional Convention in 1866; and

Whereas, In 1934, Mr. and Mrs. Charles Berkeley Normann of Liberty Hill, Williamson County, Texas, determined to depict this dramatic scene as faithfully as possible. After two years of painstaking research and exchanging of hundreds of letters and pictures with the descendants of these great men their painting was completed. Authenticity was the aim of these two artists in painting this wonderful scene of the most important date in Texas history; and

Whereas, These men have been portrayed as near as possible through the untiring efforts of these artists. Practically every face is a portrait, carefully composed after study of known likenesses in painting, statuary, daguerrotype, or a photograph. If no likeness of a participant could

be found, the artists studied contemporary descriptions of the man and family traditions, and submitted to descendants sketches made from these data. An effort has been made to express the character of each delegate and to depict him as he probably appeared on that occasion; and

Whereas, This painting being 7x9 feet, is a life-size likeness of these men and is the only picture that has ever been painted for this occasion; and

Whereas, After the two years spent in the making and completing of this painting these artists have agreed to sell it to the Senate for three thousand dollars (\$3000); and

Whereas, It is fitting and proper for this picture to be placed in the Senate along with the paintings "The Fall of the Alamo" and "The Battle of San Jacinto," in memorial of "the men who made Texas free"; now, therefore, be it

Resolved by the Senate, That this picture be purchased from Mr. and Mrs. Charles Berkeley Normann for the above stated price, to be paid out of the contingent expense fund of the Senate; and be it further

Resolved, That a committee of two be appointed to make necessary arrangements for the unveiling of this picture at a joint session of the House and Senate on March 2.

NEAL (by request)  
BROWNLEE.

The resolution was referred to the Committee on Finance.

#### Senate Resolution No. 17.

The President laid before the Senate, for consideration at this time:

S. R. No. 17, Providing for adoption of permanent rules of the Senate Nos. 102 to 107, inclusive.

On motion of Senator Woodruff, it was ordered that resolution lie on the table subject to call.

#### Senate Bill No. 1 on Third Reading.

The President laid before the Senate, on its third reading and final passage:

S. B. No. 1, A bill to be entitled "An Act repealing Article 6203, Revised Civil Statutes of 1925, as amended by Chapter 45, Acts of the Forty-first Legislature, First Called Session, Chapter 9, Fourth Called Session of the forty-first Legislature, and Chapter 11, Fifth Called Session

of the Forty-first Legislature, creating a Board of Pardons and Paroles fixing their terms of office, providing a method of appointment thereto and authorizing recess appointments; limiting the power of the Governor in the matter of reprieves, commutations of punishment and pardons, providing for one reprieve of not more than thirty (30) days in any capital case; empowering the Governor to revoke paroles and other forms of clemency and establishing rules and regulations to govern each action; fixing the salaries of the members of the Board of Pardons and Paroles and providing for traveling expenses and accommodations prescribing their duties, providing for their offices, fixing their places of meeting and empowering them to employ a secretary and other assistants; creating the office of parole supervisor, fixing the salary, prescribing the duties and qualifications, and providing for the appointment thereto; empowering the Governor to appoint Voluntary County Parole Commissions, and citing their duties; etc., and declaring an emergency."

The bill was read third time.

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 1, as engrossed, Section 2, line 14, by striking out the words "membership of the Senate" and adding in lieu thereof the following: "Senate present."

(Senator Rawlings in the Chair.)

The amendment was adopted by the following vote:

Yeas—28.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent—Excused.

Collie.	Redditt.
Newton.	

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 1, as engrossed, Section 8, by striking out the last sentence in said paragraph, to-wit: "In the discharge of its official duties, each Voluntary County Parole Commission shall work with the Executive Secretary appointed for the Senatorial District in which it shall be located, as hereinafter providing."

(President in the Chair.)

The amendment was adopted by the following vote:

Yeas—26.

Aikin.	Nelson.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Winfield.
Neal.	Woodruff.

Nays—1.

Sulak.

Absent.

Westerfeld.

Absent—Excused.

Collie.	Redditt.
Newton.	

Senator Woodruff moved that the bill lie on the table subject to call.

Senator Burns moved to table the motion that the bill lie on the table subject to call.

The motion of Senator Burns prevailed.

Senate Bill No. 1 was passed by the following vote:

Yeas—23.

Beck.	Lemens.
Brownlee.	Moore.
Burns.	Neal.
Cotten.	Nelson.
Davis.	Oneal.
Head.	Pace.
Hill.	Rawlings.
Holbrook.	Roberts.
Isbell.	Shivers.

Spears.  
Stone.  
Sulak.

Van Zandt.  
Winfield.

Nays—2.

Aikin.

Woodruff.

Present—Not Voting.

Small.

Absent.

Weinert.

Westerfeld.

Absent—Excused.

Collie.  
Newton.

Redditt.

#### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, Feb. 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 19, Inviting Honorable Harold L. Ickes, Secretary of the Interior, to address a joint session of the Texas Legislature.

S. C. R. No. 20, Inviting the Honorable James A. Farley, Postmaster General of the United States, to address a joint session of the Legislature of Texas.

S. C. R. No. 21, Granting permission to Honorable Harry L. Howard, Judge of the 37th District Court of Bexar County, to be absent from the State of Texas for a period of ninety days.

H. C. R. No. 21, Inviting Honorable James A. Farley, Postmaster General, to address a joint session of the Texas Legislature.

H. C. R. No. 25, Recalling House Concurrent Resolution No. 13 from the Governor's office for correction.

H. B. No. 33, A bill to be entitled "An Act to prohibit the taking of fish in Kimble, Kerr, Edwards, Real, Sutton, Bandera, Mason, Menard, Blanco, Llano, Kendall or Gillespie Counties with any device equipped with more than two hooks, except artificial bait used with a rod and reel and excepting a twenty (20) foot

minnow seine for the purpose of taking minnows for bait; providing size limits and bag limits for fish taken in said counties; providing a closed season from January 1st to May 1st; prohibiting the sale of any fresh water fish in said counties; providing a penalty for any violation of this Act; repealing all general or special laws, in so far as they conflict with this Act, and declaring an emergency."

H. B. No. 56, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of Laws, General or Special, in conflict herewith, and declaring an emergency."

H. B. No. 88, A bill to be entitled "An Act creating a closed season upon certain fish in Harrison and Marion Counties, Texas, and making it unlawful to in anywise take or catch such fish during such closed season, or to have such fish in possession during such closed season; describing such penalty for violation of this Act."

H. B. No. 246, A bill to be entitled "An Act to declare a closed season on the killing of quail and dove in Haskell County for a period ending February 1st, 1940; prescribing a penalty therefor, and declaring an emergency."

H. B. No. 268, A bill to be entitled "An Act making it unlawful to kill squirrel in Angelina and Tyler Counties, Texas, during the month of July; declaring it unlawful for any person to kill, take or have in his possession for purpose of sale any wild fox or the pelts thereof, providing that this law shall be in force for a period of two years; prescribing a penalty for the violation of the provisions of this Act; repealing all laws in conflict, and declaring an emergency."

H. B. No. 276, A bill to be entitled "An Act making it unlawful to kill quail in Garza County, Texas; providing the Act shall be in force for a period of two years; repealing all laws in conflict; providing a penalty for the violation of this Act, and declaring an emergency."

H. B. No. 215, A bill to be entitled "An Act creating a special Road Law for Hardeman County, Texas, authorizing the funding and refunding of items of indebtedness, outstanding on December 14, 1936; against the road and bridge fund of said County, into time warrants, prescribing the terms and conditions in reference to said time warrants, and the duties of the officers in the issuance thereof; validating an order passed by the Commissioners' Court of Hardeman County, Texas, on December 14, 1936, and the items of indebtedness described therein and authorized to be funded and refunded into time warrants; providing that this law shall be cumulative of general laws on the subject of roads and bridges and on the subject of funding and refunding warrants, when not in conflict with the provisions hereof; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

H. B. No. 89, A bill to be entitled "An Act making it unlawful to take or kill wild deer or wild turkey in the Counties of Harrison, Marion, Cass, or Bowie for a period of five (5) years; describing penalty for violation of this Act, and declaring an emergency."

S. B. No. 93, A bill to be entitled "An Act making it lawful for the commissioners' court of Comal County to pay out of the general fund of such county bounties for the destruction of predatory animals, providing that on petition of one hundred freeholders the commissioners' court of such county may provide amount of bounty and method of proof to entitle claimant to obtain such bounty, and prescribing manner of payment and declaring an emergency."

The House has tabled by a viva voce vote the following bill:

H. B. No. 106, A bill to be entitled "An Act providing for the posting of legal notices at some place within the court house to be designated by the commissioners' court; providing for publication of notice of posting; and repealing all laws and parts of laws in conflict."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.



**House Bills on First Reading.**

The following House bills, received from the House today, were laid before the Senate, read severally first time, and referred by the President to appropriate committees, as follows:

H. B. No. 33, to Committee on Game and Fish.

H. B. No. 88, to Committee on Game and Fish.

H. B. No. 89, to Committee on Game and Fish.

H. B. No. 268, to Committee on Game and Fish.

H. B. No. 276, to Committee on Game and Fish.

H. B. No. 246, to Committee on Game and Fish.

H. B. No. 56, to Committee on Educational Affairs.

H. B. No. 215, to Committee on State Highways and Motor Traffic.

**House Concurrent Resolution No. 25.**

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 25, Recalling H. C. R. No. 13 from the Governor for correction.

On motion of Senator Van Zandt and by unanimous consent, the rule of the Senate requiring resolutions to be referred to a committee was suspended to permit consideration of the resolution at this time.

The resolution was read and was adopted.

**House Concurrent Resolution No. 21.**

The following resolution, received from the House today, was read and was referred by the President to the Committee on Federal Relations.

H. C. R. No. 21, Inviting Honorable James A. Farley to address a joint session of the Senate and House of Representatives.

**Bill and Resolution Signed.**

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bill and resolution:

S. B. No. 93, "An Act making it lawful for the commissioners' court of Comal County to pay out of the general fund of such county bounties for the destruction of predatory ani-

mals, providing that on petition of one hundred freeholders the commissioners' court of such county may provide amount of bounty and method of proof to entitle claimant to obtain such bounty, and prescribing manner of payment and declaring an emergency."

H. C. R. No. 13, Providing for a joint committee of the House and Senate to enter into a compact with officials of the State of Oklahoma with reference to the use of Red River by citizens of Texas.

**Senate Concurrent Resolution No. 22.**

Senator Head, by unanimous consent, offered the following resolution:

Be it Resolved by the Senate of Texas, the House of Representatives concurring, That Honorable R. B. Cross, Judge of the 52nd Judicial District Court of Texas, be, and he is hereby granted permission to be absent from the State of Texas at such intervals and for such time as he may see fit and proper during the years 1937 and 1938, taking into consideration the condition of the docket of said court.

The resolution was read.

On motion of Senator Head, the rule requiring resolutions to be referred to a committee was suspended to permit consideration of the resolution at this time.

The resolution was adopted.

Senator Woodruff moved to reconsider the vote by which the resolution was adopted.

The motion to reconsider was lost.

**Senate Concurrent Resolution No. 23.**

Senator Davis, by unanimous consent, offered the following resolution:

Whereas, The Legislature has heretofore passed Special Legislation in behalf of the oil industry in Texas, one of the principal purposes of which was to stabilize the price of unrefined crude oil, and the oil industry in Texas has generally profited by virtue of such legislation; and

Whereas, Heretofore the price of crude oil paid in the Western and Northwestern portions of Texas has been arbitrarily lower than the prices paid for this product in other sections of the State; and,

Whereas, The major oil companies

of this state have within the past two weeks advanced the price of crude oil approximately twelve cents per barrel in practically all fields in Texas, excepting the oil fields located in the Western and Northwestern portions of the State; and,

Whereas, such a discrimination in price is, as a matter of fact, unfair and unjust and the recent changes serve only to aggravate further and perpetuate an undesirable situation heretofore existing—constituting an arbitrary penalizing of the royalty owners in the Western and Northwestern sections of the State, including the University of Texas, A. & M. College, and Public Free Schools of Texas, and the taxpayers of the State of Texas; and,

Whereas, In these last named sections of Texas are located the oil properties of the University, and A. & M. College, and a great portion of the oil-producing lands of the public free school system; and,

Whereas, The determination of whether or not this apparent unjust and unfair discrimination does, as a matter of fact, exist, is a matter of vital public concern to the people of Texas and a matter in which the Legislature of the State of Texas is directly interested; and,

Whereas, The Legislature of Texas, now in session, is in a position to investigate and determine the apparent unfairness of the situation hereinbefore outlined; therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That a committee of five members of the Legislature, consisting of three members of the House, appointed by the Speaker, and two members of the Senate, appointed by the Lieutenant Governor, is hereby authorized and empowered to inquire into the situation herein referred to and report back its findings to the Legislature at the earliest possible date, in order that steps may be taken to remedy the situation.

WINFIELD,  
DAVIS.

The resolution was read.

Senator Davis moved to suspend the rule requiring resolutions to be referred to a committee, to permit consideration of the resolution by the Senate at this time.

(Senator Rawlings in the Chair.)

The motion to suspend the rule prevailed by the following vote:

Yeas—28.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent—Excused.

Collie. Redditt.  
Newton.

The resolution was then adopted.

#### Report of Standing Committee.

Senator Small, by unanimous consent, submitted at this time the report of the Committee on Civil Jurisprudence on S. B. No. 188. (See appendix for report in full.)

#### Senate Resolution No. 24.

Senator Isbell, by unanimous consent, offered the following resolution:

Whereas, The Texas Press Association is now in session in the City of Austin,

Be it Resolved by the Senate, That the members of their distinguished organization be accorded the privileges of the floor today.

The resolution was read and was adopted.

(Senator Head in the Chair.)

#### Senate Resolution No. 17.

Senator Rawlings called up from the President's table, for consideration at this time, S. R. No. 17, providing for permanent rules of the Senate Nos. 102 to 107, inclusive.

The Presiding Officer laid the resolution before the Senate.

Senator Rawlings offered the following amendment to the resolution:

Amend S. R. No. 17 by inserting a new paragraph immediately following Rule 107 to read as follows:

"The foregoing rules, Numbers 102 to 107, inclusive, are adopted by the Senate in lieu of the procedure set forth in Section 5, Article 3 of the Texas Constitution."

The amendment was adopted.

Senator Rawlings offered the following amendment to the resolution:

Amend the resolution by striking out the following:

"105. Rule 105 is hereby repealed" and inserting instead the following:

"105. Rule 105 of the Senate rules of the Forty-fourth Legislature is hereby excluded."

The amendment was adopted.

The resolution as amended was adopted by the following vote:

Yeas—28.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent—Excused.

Collie.	Redditt.
Newton.	

#### Senate Bill No. 72 With House Amendments.

Senator Woodruff called up S. B. No. 72 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill before the Senate, and the House amendments were read.

Senator Woodruff moved that the Senate do not concur in the amendments and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the Presiding Officer announced the appointment of the following free conference committee on the part of the Senate: Senators Woodruff, Head, Lemens, Davis and Small.

#### Adjournment.

On motion of Senator Spears, the Senate, at 11:50 o'clock a. m., adjourned until 10 o'clock a. m., Monday, February 8, 1937.

#### APPENDIX.

##### Reports of Standing Committees.

Committee Room,

Austin, Texas, Feb. 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 188, A bill to be entitled "An Act validating and legalizing bonds issued by counties for the construction of roads within such counties and the levy of taxes for payment of such county bonds; authorizing the assessment and collection of general ad valorem taxes in all such counties for the payment of such county bonds now outstanding or hereafter issued, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 93 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 1 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

#### EIGHTEENTH DAY.

(Monday, February 8, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present: